

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAUN ROBERTS and KEN SHEPPARD,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

22-cv-9590 (PKC)

-against-

ORDER

STEPHEN EHRLICH, et al.,

Defendants.

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CASTEL, U.S.D.J.

The Court will conduct a fairness hearing for the proposed class action settlement on October 8, 2024. At the hearing, the Court will first determine whether to certify the proposed class under Rule 23(a). The proposed settlement class is defined as all persons and entities that were customers of Voyager Digital Holdings Inc. as of July 5, 2022 and are entitled to receive distributions under the Voyager Plan, excluding Stephen Ehrlich and Evan Psaropoulos. The “Voyager Plan” has not been provided to the Court, and the parties have made no effort to explain who is entitled to receive distributions pursuant to the Plan. The proposed settlement agreement defines the Voyager Plan as three documents entered in a bankruptcy proceeding, In re Voyager Digital Holdings, Inc., No. 22-10943 (Bankr. S.D.N.Y.).

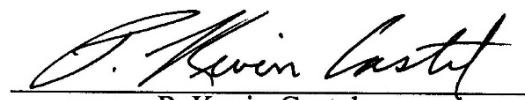
In order for the Court to determine whether to certify the proposed class at the October 8, 2024 fairness hearing, it must be satisfied that the plaintiffs have met the numerosity and typicality requirements of Rule 23(a). The parties have made no argument

why the proposed class meets these requirements. Within five (5) days, the Parties shall provide to the Court a letter brief that includes the following:

- 1) Who is entitled to receive distributions under the Voyager Plan?
- 2) Why does the proposed class meet the requirements of Rule 23(a)?

The parties shall also provide to the Court all documents that compose the “Voyager Plan.”

SO ORDERED.



P. Kevin Castel
P. Kevin Castel
United States District Judge

Dated: New York, New York,
September 26, 2024